Remarks / Arguments

Claims 1-25 and 27-34 are pending in the present application.

Claims 1, 3, 5-7, 22-25 and 27 have been amended to remove reference to "steps".

The Examiner has rejected claims 1-7 under 35 U.S.C 103(a) as being unpatentable over U.S. patent number 5,768,381 to Hawthorne (hereinafter "Hawthorne") in view of U.S. patent number 6,931,128 to Roberts (hereinafter "Roberts"). The applicant respectfully disagrees.

To establish that any claim is obvious, the Examiner must identify: 1) all of the claimed elements in the prior art; 2) a reason or motivation to combine these elements to arrive at the claimed invention; and 3) a reasonable likelihood of success (see M.P.E.P. 2141). It is submitted that the Examiner has failed to achieve at least the first of these.

Claim 1, as amended for clarity, requires creation of a bitstream that includes "a synchronization vector that has been derived from a session key". The Examiner has identified a "Registered Crypt String" in Hawthorne as being equivalent to the "synchronization vector" required by claim 1. The Examiner has also identified a "Random Session Key" in Hawthorne and indicated an equivalence between the

Random Session Key in Hawthorne and the "session key" required by claim 1. It is

submitted that, in Hawthorne, the Registered Crypt String is not "derived from" the

Random Session Key, as required by claim 1. Indeed, the sender station in Hawthorne

receives the Registered Crypt String from the recipient station (see col. 5, lines 20-24).

Claim 1 has also been amended to include a limitation from claim 4,

namely the inclusion of voice data following the synchronization vector. Both Hawthorne

and Roberts transmit some information along with an encrypted message. However,

claim 1 involves creating a bitstream by preceding voice data with a synchronization

vector and then encrypting the bitstream. Advantageously, the synchronization vector

allows the receiving set to determine where, in the decrypted bitstream, the voice data

begins.

Since neither Hawthorne, nor Roberts, nor a combination of Hawthorne

and Roberts disclose creation of a bitstream that includes a synchronization vector

derived from a session key, the combination of Hawthorne and Roberts may not be

used to reject claim 1 as obvious. It is respectfully requested that the Examiner

withdraw the rejection of claim 1, and the rejection of claims 2-7 dependent thereon, on

that basis.

The Examiner has rejected claims 8-14 under 35 U.S.C 103(a) as being

unpatentable over Hawthorne in view of Roberts. The applicant respectfully disagrees.

Claim 8 has been amended to incorporate a limitation from claim 11, namely the inclusion of voice data in the bitstream.

Claim 8, as amended, requires that a transmitting set generate a bitstream that includes "a synchronization vector that has been derived from a session key". As discussed above, the Registered Crypt String in Hawthorne is not "derived from" the Random Session Key, as required by claim 8.

Since neither Hawthorne, nor Roberts, nor a combination of Hawthorne and Roberts disclose generation of a bitstream that includes a synchronization vector derived from a session key, the combination of Hawthorne and Roberts may not be used to reject claim 8 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claim 8, and the rejection of claims 9-14 dependent thereon, on that basis.

The Examiner has rejected claims 15-21 under 35 U.S.C 103(a) as being unpatentable over Hawthorne in view of Roberts. The applicant respectfully disagrees.

Claim 15 has been amended to incorporate a limitation from claim 18, namely the inclusion of voice data in the bitstream.

Claim 15, as amended, requires generating, by a encryption module, of a bitstream that includes "a synchronization vector that has been derived from a session

key". As discussed above, the Registered Crypt String in Hawthorne is not "derived from" the Random Session Key, as required by claim 15.

Since neither Hawthorne, nor Roberts, nor a combination of Hawthorne and Roberts disclose generation of a bitstream that includes a synchronization vector derived from a session key, the combination of Hawthorne and Roberts may not be used to reject claim 15 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claim 15, and the rejection of claims 16-21 dependent thereon, on that basis.

The Examiner has rejected claims 22-23 and 25-27 under 35 U.S.C 103(a) as being unpatentable over Hawthorne in view of Roberts. The applicant respectfully disagrees.

Claim 22 has been amended to include the limitations of claim 26. Claim 26 has been cancelled.

Claim 22, as amended, requires generating, at the transmitting set, a bitstream that includes "a synchronization vector and the streamed voice data". As discussed above, neither Hawthorne nor Roberts suggest or disclose generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted, as required by claim 22.

Since neither Hawthorne, nor Roberts, nor a combination of Hawthorne and Roberts disclose generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted, the combination of Hawthorne and Roberts may not be used to reject claim 22 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claim 22, and the rejection of claims 23, 25 and 27 dependent thereon, on that basis.

The Examiner has rejected claims 28-32 under 35 U.S.C 103(a) as being unpatentable over Hawthorne in view of Roberts. The applicant respectfully disagrees.

Claim 28 has been amended to include some of the limitations of claim 31.

Claim 28, as amended, requires a vocoder generating a bitstream that includes "a synchronization vector and the streamed voice data". As discussed above, neither Hawthorne nor Roberts suggest or disclose generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted, as required by claim 28.

Since neither Hawthorne, nor Roberts, nor a combination of Hawthorne and Roberts disclose generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted, the combination of Hawthorne and Roberts may not be used to reject claim 28 as obvious. It is respectfully requested that the

Examiner withdraw the rejection of claim 28, and the rejection of claims 29-32

dependent thereon, on that basis.

Claims 24, 33, and 34 were rejected under 35 U.S.C 103 (a) as being

obvious having regard to Hawthorne in view of Roberts in view of an excerpt by

Menezes (Handbook of Applied Cryptography).

Claim 24 is dependent upon claim 22 and adds an additional limitation of

receiving an index from a call server. Claim 22, as discussed above, may not be

rejected as obvious over Hawthorne in view of Roberts since neither reference suggests

or discloses generation of a bitstream that includes a vector and data, where the

bitstream is subsequently encrypted. Clearly, the Examiner has cited Menezes to

illustrate that receiving an index from a call server was known at the time the invention

was made. However, it is submitted that Menezes fails to suggest or disclose

generation of a bitstream that includes a vector and data, where the bitstream is

subsequently encrypted.

Since neither Hawthorne, nor Roberts, nor Menezes nor a combination of

Hawthorne, Roberts and Menezes disclose generation of a bitstream that includes a

vector and data, where the bitstream is subsequently encrypted, the combination of

Hawthorne, Roberts and Menezes may not be used to reject claim 24 as obvious. It is

respectfully requested that the Examiner withdraw the rejection of claim 24 on that

basis.

The Examiner rejected claim 24 under 35 U.S.C 103 (a) as being obvious having regard to Hawthorne in view of Roberts in view of an excerpt by Menezes (Handbook of Applied Cryptography).

Claim 24 is dependent upon claim 22 and adds an additional limitation of receiving an index from a call server. Claim 22, as discussed above, may not be rejected as obvious over Hawthorne in view of Roberts since neither reference suggests or discloses generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted. Clearly, the Examiner has cited Menezes to illustrate that receiving an index from a call server was known at the time the invention was made. However, it is submitted that Menezes fails to suggest or disclose generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted.

Since neither Hawthorne, nor Roberts, nor Menezes nor a combination of Hawthorne, Roberts and Menezes disclose generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted, the combination of Hawthorne, Roberts and Menezes may not be used to reject claim 24 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claim 24 on that basis.

The Examiner rejected claims 33 and 34 under 35 U.S.C 103 (a) as being obvious having regard to Hawthorne in view of Roberts in view of an excerpt by Menezes (Handbook of Applied Cryptography).
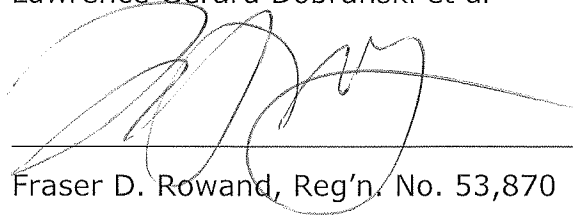
Claims 33 and 34 are dependent, directly or indirectly, upon claim 28 and add an additional limitation of an XOR operator in the encrypter (claim 33) and an XOR operator in the decrypter (claim 34). Claim 28, as discussed above, may not be rejected as obvious over Hawthorne in view of Roberts since neither reference suggests or discloses generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted. Clearly, the Examiner has cited Menezes to illustrate that XOR operators in encrypters and decrypter were known at the time the invention was made. However, it is submitted that Menezes fails to suggest or disclose generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted.

Since neither Hawthorne, nor Roberts, nor Menezes nor a combination of Hawthorne, Roberts and Menezes disclose generation of a bitstream that includes a vector and data, where the bitstream is subsequently encrypted, the combination of Hawthorne, Roberts and Menezes may not be used to reject claims 33 and 34 as obvious. It is respectfully requested that the Examiner withdraw the rejection of claims 33 and 34 on that basis.

In view of the foregoing, the applicant respectfully submits that claims 1-25 and 27-34 are now in condition for allowance. Favorable reconsideration and allowance of claims 1-25 and 27-34 are respectfully requested.

Respectfully Submitted,

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